

HIGHLAND BOARD OF ZONING APPEALS
Minutes of the Meeting of
July 26, 2017

The Highland Board of Zoning Appeals met on July 26, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Grzynski.

ROLL CALL: Present Mr. Helms, Mr. Grzynski, Mr. Martini and Mrs. Murovic. Also present Attorney Jared Tauber, Building Commissioner Mr. Ken Mika and Town Council Liaison Steve Wagner. Absent Mr. Leep.

MINUTES: The minutes of the June 28, 2017 were approved as posted.

ANNOUNCEMENTS: The next meeting of the Board of Zoning Appeals to be August 23, 2017 at 6:30 pm.

COMMUNICATION: Letter from Clerk Treasurer Michael Griffin appointing Mr. Bill Leep as a *successor appointee* for the vacancy left by Mr. Steve Mileusnich.

Old Business: Approval of Findings of Fact for Jim Rauer, 9160 Kleinman Rd., Highland, IN requesting to build a garage which would exceed accessory structure allowance. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less. Mr. Helms motioned to approve the Findings of Fact. Mr. Martini seconded and unanimously passed with a roll call vote of 4-0.

Approval of Findings of Fact for View Outdoor Advertising, represented by Matt Felder, LLC 1000 E 80th Pl., 700N, Merrillville, IN 46319 and Attorney Jim Wieser, 429 W. Lincoln Highway, Schererville, IN 46375 requesting a Use Variance at the location of 8200 Indianapolis Blvd. to construct an 10' x 36' – 360 sq. ft. (2) two sided LED Outdoor Advertising Structure. {HMC 18.85.020 (E) Signs, advertising/billboard, or any signs advertising a business, product, service or event not available on the premises where the sign is located. Mr. Martini motioned to approve the Findings of Fact. Mr. Grzynski seconded and unanimously passed with a roll call vote of 4-0.

Hearing for View Outdoor Advertising, represented by Matt Felder, LLC 1000 E 80th Pl., 700N, Merrillville, IN 46319 and Attorney Jim Wieser, 429 W. Lincoln Highway, Schererville, IN 46375 requesting a developmental variance at the location of 8200 Indianapolis Blvd. for size and height to construct an 10' x 36' – 360 sq. ft. – 35' to 40' - (2) two sided LED Outdoor Advertising Structure. {HMC 18.85.080 (G)(1)(5)} In B-1, B-2, and B-3 business districts, permitted signs are subject to the following: Sign, Ground. One ground sign containing thereon only the name of the buildings, occupants or groups thereof. The sign shall not exceed 100 square feet in area. Exception: Freestanding signs are not permitted within a B-2 district. Height. In a B-1 district, no ground sign shall project higher than 10 feet above the curb, and no sign shall project above the principal building to which it is affixed. In the B-3 and I-1 districts no sign shall project higher than 15 feet above the curb level or, where no curb exists, above the average level of the ground on which the sign exists, and in no case shall a sign project above the roof line.

Mr. Randy Wyllie of Wieser & Wyllie, LLP was in attendance at the meeting in lieu of Mr. Wieser for representation of View Outdoor Advertising. Also in attendance was Mr. Matt Felder of View Outdoor Advertising.

Mr. Tauber asked that Mr. Wyllie make a request from the BZA members to suspend the rules to forego a Preliminary Hearing for the developmental variance request and ask that this meeting be a Public Hearing. Mr. Mika asked that request would also reflect the development standards for the separate hearing that View Outdoor had advertised accordingly. Mr. Helms motioned to approve the request. Mr. Martini seconded and it unanimously passed with a roll call vote of 4-0.

Mr. Tauber wanted it to be on record that he is currently in the processes of reviewing the procedures and have come to the realization that some towns are no longer requiring Preliminary Hearings. He states he is doing the research to see if the Town of Highland would be able to eliminate their Preliminary Hearings. He states that is the plan and moving forward that a decision would be made at a later date.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Wyllie introduced himself. He states this is a developmental hearing for the sign located at 8200 Indianapolis Blvd, just south of the Tri State bus station on the same side of the road. He states the sign would be 10' x 36'. He says this variance request is very similar to a sign request made about two years ago that was approved at the location on Indianapolis Blvd just south of the Webb Ford dealer by the overpass. He states this sign is very similar in concept, (2) sided LED, with advertising on both sides. The sign request for this variance will be shorter than the sign that was installed by Webb Ford.

Mr. Tauber asked Mr. Wyllie if he knew the height of the sign from the ground to the top and Mr. Felder replied they are asking for a maximum of 40', maybe for 35 feet, but 40' maximum and the sign would be 10' x 36'. Mr. Felder also referenced that the advertising on the sign would flash in 8 second intervals.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Tauber added that the agreement between the Town and the View, which has not been signed yet, is being circulated for review. Mr. Tauber also mentioned that the View will allow the Town to do public advertising on the sign for free in perpetuity.

Mr. Mika stated that the motion should also be contingent on the Town Council ultimately approving the Use Variance.

Mrs. Murovic inquired about the Town's advertisements on the sign if the Town would be allowed a certain amount of time each month or week? Mr. Felder states that was touched upon with the Town Council and he had just received the draft from Mr. Weiser's office and did not have a chance to review it yet. Mr. Tauber said there was not a time limit or time frame on the draft. Mr. Felder said that when they talked to the Town they would make the advertising available, but that Mr. Felder would have to talk to Mr. Weiser to see exactly what is in the draft.

Mr. Martini asked for clarification on how the motion would be made regarding the height of the sign and should the motion be made as to not exceed 40 foot from grade and the response was

yes. Mrs. Murovic asked if Mr. Felder would also accept a motion for a 35' sign and Mr. Felder responded yes. Mr. Felder did point out that the taller the sign is the more expensive its cost.

Mr. Martini asked if the height, width & length of the sign could be made in one motion and Mr. Tauber responded yes.

Mr. Martini motioned to approve the View Outdoor Advertising request for a two sided, 10' x 36'-360 sq. ft. LED sign with the height of the sign not to exceed 40' from grade. This will be contingent upon the Town Council approving a favorable recommendation for the Use Variance which the BZA approved at the June 28th, 2017 meeting, and a second contingency upon View Outdoor Advertising, LLC and the Town of Highland, by and through its Town Council, entering into an agreement setting forth all of the details of the transaction wherein View Outdoor Advertising, LLC, conveys the Petrites property and three railroad parcels (approximately 6 acres inclusive), and also agree upon written commitments of View Outdoor Advertising, LLC, to the Town of Highland pursuant to I.C. 36-4-7-1015. Mr. Helms seconded the motioned and it unanimously passed with a roll call vote of 4-0.

Continued Public Hearing for Brian Revere, 8937 Grace St., requesting a variance to exceed accessory structure allowance to build an additional garage. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Revere was in attendance at the June 28, 2017 BZA meeting and asked for a continuance to this month's BZA meeting as there was a split vote of (2) to (2) which resulted in a No Action Motion. Mr. Revere was advised at the last month's BZA meeting to have a "Plan B" proposal to perhaps have a better chance of getting his variance request approved.

Mr. Revere and his wife Jill introduced themselves. Mr. Revere referenced his proposal from the June 28, 2017 BZA meeting which was for an additional accessory "Kwanza Hut" style garage that is 20'x28'x12' – 550 sq. ft. Mr. Revere spoke of the Kwanza Hut and the colors that would be available to choose from and stated that the structure only comes in the colors he referenced at the prior months meeting. Mr. Revere said he does have two options for his accessory structure, but wanted to revisit his request for the Kwanza Hut. He states he was reading the Town's ordinance and there are references to vermin control and keeping properties sightly. He believes his request for the kwanza hut will meet or exceed those requirements and that it is a sound structure and would meet or exceed any stick built structure. Mr. Revere redistributed plans for his structure from last month and his Plan B proposal.

Mr. Helms inquired where on Mr. Revere's property the structure would go. He pointed to a GIS view of the property and stated it would be built on his property where their shed is currently located, but that the shed would be removed. He would like to place the new structure as close to his side property line that is allowed. Mr. Helms asked Mr. Revere if he was going to provide an asphalt or black top driveway to the structure. Mr. Revere said he would do it if it's required, but he read in the Town code that the area for Town parking would have to be improved and believes that (A) adding gravel would be an improvement and (B) it would not be used for parking. Mrs. Murovic pointed out that Mr. Revere is building a garage to keep his vehicles in. Mr. Revere replied the vehicles would be kept in the garage and not outside of it. Mrs. Revere noted that this structure is a secondary structure to house an antique vehicle that would not be taken out very often and their other vehicles would be kept in the garage that already exists. Mr. Revere noted the driveway is 200 feet off the road behind the garage and would not easily be seen in reference

to the aesthetics of the driveway. Mrs. Murovic said Mr. Revere is seeking a variance and often when that occurs things have to be brought up to the current code.

Mr. Mika noted that generally the Town does not want a situation where there is stone that's creating problems including dust for neighboring properties. Mr. Revere replied that drainage is more of an issue where they are located than a dust issue and the driveway has been there for 30 years. Mr. Mika commented that if the driveway is existing and it's going to connect to the proposed structure and the structure is approved the Town may be able to work with him. He further stated that generally with anything new there has to be a paved surface. Mr. Revere mentioned that concrete is quite expensive and really the only reason he is making a case against having to have a concrete drive and that there would be an issue with asphalt due to the way the lot is set up.

Mr. Martini inquired to Mr. Revere's Plan B. Mr. Revere then distributed diagrams of a stick built structure which was the same foot print as the Kwanza Hut. It would be 20' x 28' sq. ft. and have vinyl siding with a green shingled roof to match their existing home.

Mr. Helms asked if this building would have the same functionality as the kwanza hut and Mr. Revere replied yes. Mr. Helms asked what the difference in cost was between the (2) structures and Mr. Revere said the stick built garage is cheaper to purchase but that the labor cost is much more, but Mr. Revere plans on building the stick built structure himself.

Mr. Martini mentioned he felt the stick built structure had more appeal compared to the kwanza hut.

Mr. Helms motioned to approve "Plan B". Mr. Martini seconded and it unanimously passed with a roll call vote of 4-0.

Public Hearing for Ken Hay, 1310 Tralee Court, Dyer, IN Farmer Dr. request a variance for minimum lot size requirements for width and side yard setback from 7.5' to 5' for potential residential property to be built on vacant lot for the location of 9337Farmer Dr.{HMC18.15.060(C)(1)(a)} Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 8,400 square feet and a minimum width of 70 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 8,400 square feet in area or less than 70 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals. HMC18.15.060(H)(1) } For One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width in an R-1A district, and seven and one-half feet in width in an R-1 district.

Mr. Hay introduced himself. He states his original request was for (2) variances. One is for lot width which is 55' and as he understands the minimum lot width is 70' and one for a side yard setback of 5' on the north side of the property vs the 7'.5" setback that is per code.

Mr. Hay states he does not have formal plans with him. He is working with a builder and will have those plans by next month's BZA meeting. He states basically he is looking to build a (3) bedroom (2) bath 1400 sq. ft. single family residence one story perhaps with a basement and a (2) car detached garage. He states he had comps pulled for the area and has a good idea of what property values are and looking to build something that is comparable to the neighborhood.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Mika stated this is a Public Hearing so the petitioner would not necessarily, unless he requested to be, would not have to be at the next BZA's meeting.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Helms motioned to approve the variance request for lot width and 5 foot set back on the north side of property. Mr. Grzynski seconded and it unanimously passed with a roll call vote of 4-0.

Public Hearing for Jovan Lozevski, 521 Cochran Dr., Crown Point, IN, 46375 requesting a variance for minimum lot size requirement for overall lot size, width and side yard setback from 7.5' to 5', for potential residential property to be built on vacant lot for the location of 3144 Condit Ave. {HMC 18.15.060 (C)1(a)} Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 8,400 square feet and a minimum width of 70 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 8,400 square feet in area or less than 70 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals. {HMC 18.15.060 (H)1} For One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width in an R-1A district, and seven and one-half feet in width in an R-1 district.

Mr. Lozevski introduced himself and distributed google map, GIS views of his property and renderings of plans he is considering to use for his house. He is requesting a developmental variance for minimum lot size of 62.5'x 125', side yard setback of 7.5' to 5' and a minimum width of lot from 70' to 62.5'.

Mr. Lozevski hopes to build a SF Ranch home with a 9' basement. The garage would be placed on the west side of the house and would like to off center the placement of the home. Aesthetically speaking, Mr. Lozevski feels these concepts would fit in best with the properties placed on either side of his proposed structure.

Mr. Helms inquired as to which way the home would be facing. Mr. Lozevski replied it would be facing Condit, which is north and the home would be a little more off set to the west. Mr. Helms also asked if Mr. Lozevski would live in the house or sell it and he replied he would sell it.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Helms motioned to approve all three variances being requested contingent upon the Plan Commission granting the subdivision approval. Mr. Martini seconded and unanimously passed with a roll call vote of 4-0.

Preliminary Hearing for John Winarski, 3635 38th St., requesting a variance for an additional 288 square feet to an existing 576 sq. ft. garage. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Winarski was not present at the meeting. The Board members agreed to grant a continuance to the next BZA meeting of August 23, 2017. Mr. Martini motioned to grant the continuance. Mr. Helms seconded and it unanimously passed with a roll call vote of 4-0.

BUSINESS FROM THE FLOOR: None

ADJOURNMENT: Motion: Mr. Martini Second: Mr. Helms Time: 7:10